

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.209-a

CRM-M-5056-2019

DECIDED ON: February 27, 2019

ANKUSH @ SURAJ

..PETITIONER

VERSUS

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Parshant Sethi, Advocate, for the petitioner.
Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This petition has been filed for grant of pre-arrest bail to the petitioner in case FIR No.0203, dated 21.12.2018, registered at Police Station Basti Bawa Khel, District Jalandhar, under Section 420 IPC and Section 61 of Punjab Excise Act, 1914 (P-1).

Learned State counsel submits that the antecedents of the petitioner are clean as there are no other criminal cases pending/decided against him.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot. Recovery has already been effected and thus, custodial interrogation of the petitioner is not essential.

Learned State counsel further submits that a large quantity of illicit liquor has been recovered in this case and therefore, the petitioner does not deserve the grant of anticipatory bail.

According to the FIR, the petitioner was not arrested at the spot and managed to escape on seeing the police personnel at the spot. The story put forth appears to be improbable as an un-armed individual is unlikely to

CRM-M-5056-2019

escape under such circumstances. Entire recovery has already been made and thus, to my mind, the custodial interrogation of the petitioner is not necessary.

Accordingly, the petition is allowed; it is directed that in the event of arrest of the petitioner, he shall be released on bail on furnishing bail and surety bonds to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of conditions enshrined under Section 438(2) Code of Criminal Procedure 1973. The petitioner shall join investigation at the first instance on 07.03.2019 and subsequently as and when required by the Investigating Officer and shall cooperate therewith.

February 27, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No